

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|----------------------------|---|-------------------------------------|
| NICHOLAS OPAL, et al., |) | |
| |) | Case No. 1:05-CV-2292 |
| Plaintiffs, |) | |
| |) | |
| v. |) | Judge Ann Aldrich |
| |) | |
| CITY OF CLEVELAND, et al., |) | Magistrate Judge Patricia A. Hemann |
| |) | |
| Defendants. |) | |
| |) | <u>ORDER</u> |
| |) | |
| |) | |

Before the court is defendant Mayor Jane Campbell's ("Mayor Campbell") motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) [Docket No. 11]. The motion was filed on October 17, 2005, and no opposition has been filed by plaintiffs Nicholas and Eleanor Opal (the "Opals"). The court therefore treats this motion as unopposed. N.D. Ohio Civ. R. 7.1(g).

The Opals' complaint, concerning flooding damage and noise pollution from their neighbor Cleveland-Hopkins International Airport, alleges claims against Mayor Campbell based only on her office as mayor of the City of Cleveland. Because the complaint contains no allegations of specific wrongdoing by Mayor Campbell, judgment should be granted in her favor. *See, e.g., Birrell v. Brown*, 867 F.2d 956, 959 (6th Cir. 1989).

Therefore, the court grants Mayor Campbell's motion for judgment on the pleadings [Docket No. 11], dismisses Counts I through VII of the Opals' complaint as to Mayor Campbell, and dismisses Mayor Campbell as a party to this case.

IT IS SO ORDERED.

/s/ Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: December 12, 2005